

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

RECD 12 MAY 2005

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/050277 ✓

International filing date (day/month/year)
24.01.2005 ✓

Priority date (day/month/year)
02.02.2004

International Patent Classification (IPC) or both national classification and IPC
A61N1/39

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V. ✓

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Loveniers, K

Telephone No. +31 70 340-8983



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050277

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050277

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-11, 13, 14, 20-22, 24, 25
	No: Claims	12, 15-19, 23
Inventive step (IS)	Yes: Claims	1-11, 13, 14, 21, 22, 24, 25
	No: Claims	12, 15-20, 23
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1 Reference is made to the following documents:

D1 : US 2002/138103 A1 (MULHAUSER DANIEL F ET AL) 26 September 2002 (2002-09-26)

D2 : WO 01/58522 A (THERACARDIA, INC) 16 August 2001 (2001-08-16)

2 INDEPENDENT CLAIM 12

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 12** is not new in the sense of **Article 33(2) PCT**.

Document D1 discloses (the references in parentheses applying to this document):

A dual-handle cordless defibrillator comprising (see figs. 8, 9):

- a pair of paddles (2004) including a pair of electrodes attached respectively to a first end portion of the pair of paddles;
- the pair of paddles each having a second end portion connected respectively to one of dual handles (2100, 2200), respectively;
- a conductor (2400) for electrically connecting the dual handles; and
- a defibrillator circuitry arranged within the dual handles (see paragraphs 43-47).

2.2 Bearing the comments of Item VIII in mind, it is pointed out that also document D2 takes away the novelty (Article 33(2) PCT) of claim 12 (see fig. 10, and p. 27, line 29 - p. 28, line 27).

3 INDEPENDENT CLAIM 23

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of method **claim 23** is not new in the sense of **Article 33(2) PCT** for the same reasons as mentioned under paragraph 2 of the present communication, *mutatis mutandis*.

4 DEPENDENT CLAIMS 15-20

Dependent **claims 15-20** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or

inventive step (**Article 33(2) and (3) PCT**) (reference is made to the passages of the cited documents mentioned in the international search report).

5 DEPENDENT CLAIMS 13, 14, 24, 25

Since the additional features of dependent **claim 13, 14, 24, 25** (adjustable track that adjusts the distance between the separate handles) are neither known from, nor rendered obvious by, the available cited prior art, these dependent claims seem to meet the criteria of Article 33 PCT.

6 INDEPENDENT CLAIM 1

6.1 Document D2, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) (see figs. 10 and 7D):

A single handle defibrillator (*see p. 28, lines 19-22*), comprising:

- a pair of paddles (230, 240) that includes a pair of electrodes respectively connected to a first end portion of the pair of paddles (*this is the "bipolar operation mode" implemented in the embodiment of fig. 10, see also p. 30, lines 24-34*);
- the pair of paddles having a second end portion in communication with a single handle (502);
- defibrillator circuitry (512, 514, 516) arranged completely within the single handle.

From this, the subject-matter of independent **claim 1** differs in that one paddle of the pair of paddles is pivotable about a pivot arranged between the at least one paddle and the single handle, and that a regulator arm is in communication with the pivot for adjusting the pivot of at least one paddle about the pivot.

The subject-matter of claim 1 is therefore novel (**Article 33(2) PCT**).

6.2 The problem to be solved by the present invention may be regarded as how to adjust the distance between the electrodes.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (**Article 33(3) PCT**) for the following reasons:

Document D2 discloses deployment means, that extracts or retracts the electrode (230) (see figs. 3-6). This deployment means adjusts, when used in the bipolar operation mode of fig. 7D, the distance between electrodes (230) and (240). However, no hint is made towards a deployment means where a paddle is pivotable about a pivot.

6.3 **Claims 2-11** are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step (**Article 33(3) PCT**).

7 CLAIMS 21, 22

Claims 21, 22 meet the requirements of the PCT with respect to novelty and inventive step (**Article 33(3) PCT**) for the same reasons as mentioned under paragraph 6 of the present communication, *mutatis mutandis*.

Re Item VIII.

The term "cordless" in **claim 12** leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (**Article 6 PCT**), because the "conductor for electrically connecting the dual handles" mentioned in claim 12, can be considered as a "cord" (see also descr. p. 6, lines 9, 10). Therefore, the term "cordless" is merely interpreted in that the defibrillation circuitry is arranged within the dual handles.

Further, also the terms "single-handle ... defibrillator" and "double-handle ... defibrillator" in **claims 1 and 12** are vague, and merely construed as respectively "usable by only a single hand" and "usable by only two hands".